

LIBRARY LAWS OF MONTANA

Compiled from
Revised Codes of Montana, 1947

AMENDED 1961

Issued by the
MONTANA STATE LIBRARY
Extension Commission
South Avenue and Middlesex
Missoula, Montana

1959

S

021.8

L8f

1959

TABLE OF CONTENTS

	Page
The State Library of Montana.....	1
County and Regional Free Libraries.....	3
City Free Public Libraries.....	9
State Law Library.....	10
Historical Society-Library and Museum.....	15
School Libraries	17
Miscellaneous Laws Relating to Public Libraries.....	19

TITLE 44 — LIBRARIES

CHAPTER 1

THE STATE LIBRARY OF MONTANA

44-127. (1575.1) **State library commission created.** A commission is hereby created to be known as the state library commission. This commission shall consist of the librarian of the state university as chairman, the state superintendent of public instruction, ex-officio member, and the three members to be appointed by the governor, who shall serve one, two and three years respectively. As these terms expire, annually thereafter one person shall be appointed, for a term of three years. The members of said commission shall receive no compensation for their services except their actual and necessary traveling expenses.

44-128. (1575.2) **Employment of librarian and assistants.** The commission shall employ as its executive officer a librarian who shall be a graduate of an accredited library school, and who shall not be a member of the commission, for such compensation as the commission may deem adequate, and who shall perform the duties assigned by the commission, to serve at the will of the commission. The commission may also employ such other assistants as shall be required for the performance of the commission's work. In addition to their salaries, the librarian and assistants shall be allowed their mileage and per diem while absent from the commission office in the service of the commission.

44-129. (1575.3) **Powers and duties of the commission.** The work of the commission shall be to give assistance and advice to all libraries in the state and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering such libraries, or improving established libraries, and aiding in the establishment of traveling libraries; the commission shall act as a state board of professional standards and library examiners and perform all the duties of said board as provided in section 44-203; obtain, each year, from all libraries in the state, reports showing the condition, growth, and development and such other facts and statistics as may be deemed of public interest by the commission; the commission shall make a biennial report to the governor of the state on or before the first day of January covering the work of the commission, and incorporating reports of libraries in the state.

44-130. **Authorization of commission to accept and administer funds or property from federal government and other agencies.** The commission is hereby designated a state library administrative agency and is empowered to accept and administer any moneys or property appropriated for or granted to it by any agency, public or private, for library service in the state, including the federal government, provided that the acceptance of such funds or property from the federal government does not entail any degree of federal control.

(As amended by the 37th Legislative Assembly, 1961.)



CHAPTER 2

COUNTY AND REGIONAL FREE LIBRARIES

44-201. **Proceedings to establish county library.** By petitions signed by not less than ten per centum (10%) of the resident taxpayers whose names appear upon the last completed assessment roll of the county, at least half of whom shall reside outside of the county seat, being filed with the board of county commissioners, requesting the establishment of a county free library, the county commissioners of such county shall appoint a meeting for a public hearing, and may in their discretion, by resolution, establish at the county seat a county free library, as provided in this act. For four successive weeks prior to taking such action, the board of county commissioners shall publish, in each issue of a newspaper of general circulation in such county, notice of such contemplated action, giving therein the date and place of the meeting for a public hearing at which such action is proposed to be taken.

44-202. **Withdrawal of incorporated city or town.** After the establishment of a county free library as provided in this act, the board of trustees, common council, or other legislative body of any incorporated city or town in the county, may withdraw such incorporated city or town from the operation of this act, by notifying the board of county commissioners that such city or town no longer desires to be a part of the county free library system, and thereafter the residents of such city or town shall cease to participate in the benefits of such county free library, and the property situated in such city or town shall not be liable to taxes for county free library purposes; provided, that public notice of such contemplated action by the board of trustees, common council, or other legislative body of any incorporated city or town desiring to withdraw such incorporated city or town from the operation of this act, shall be given by publication in some newspaper of general circulation in such city or town, for at least once a week for four successive weeks prior to taking such action, giving therein the date and place of the meeting at which such contemplated action is proposed to be taken.

44-203. **County librarian — appointment and removal — qualifications.** Upon the establishment of a county free library, the board of county commissioners may appoint a county librarian, who may be removed for cause after a hearing by said board. In counties of the first, second, third, fourth, and fifth classes, no person shall be eligible to the office of county

librarian except a person who is a graduate of a library school, or has had two years practical experience in a library of not less than three thousand volumes, provided that after the creation and organization of a state board of library examiners no person shall be eligible to the office of county librarian in counties of such class, unless, prior to his appointment, he has received from said board of library examiners a certificate of qualification for the office. Upon the establishment of a county free library in any county of the sixth or seventh class, if no experienced librarian is available, the county superintendent of such county may be the librarian, and may, with the permission of the county commissioners, appoint an assistant or assistants at a salary or salaries to be fixed by the board of county commissioners.

44-204. **Supervision of county commissioners over libraries—branches and stations—employees and apprentices.** The county free library shall be under the general supervision of the board of county commissioners, who shall have the power to make general rules and regulations regarding the policy of the county free library. The county librarian shall have power to establish branches throughout the county, and may locate said branches and stations wherever deemed advisable; to determine the number and kind of employees of such library, and to employ and dismiss such employees. All employees of the county free library whose duties require special training in library work shall be graded in grades to be established by the county librarian, according to the duties required of them. Before appointment to a position in the graded service, the candidate must pass an examination appropriate to the position sought, satisfactory to the county librarian, and show a satisfactory experience in library work; provided, that the county librarian may also accept as apprentices, and who shall receive no compensation, candidates possessing personal qualifications satisfactory to the librarian, and the librarian may dismiss such apprentices at any time if in her judgment the work is not satisfactory.

44-205. **Duties and compensation of librarian.** The county librarian shall, subject to the general rules adopted by the board of county commissioners, build up and manage, according to the accepted principles of library management, a library for the use of the people of the county, shall establish branches and stations throughout the county, shall determine what books, periodicals and other publications and equipment shall be purchased. The library building shall be under the general supervision and care of the county librarian. The county librarian shall be allowed actual and necessary traveling ex-

penses incurred in the business of the office, the maximum amount which may be expended for such purposes in any year to be fixed by the board of county commissioners. In counties of the first, second, third, fourth, and fifth classes the compensation of the county librarian shall be fixed by the board of county commissioners.

44-206. **Library tax — bonds for building — gifts and bequests—funds and claims.** The board of county commissioners, after a county free library has been established, may annually levy, in the same manner and at the same time as other county taxes are levied, a special tax not to exceed two mills on the dollar upon all property in such county, for the purpose of maintaining the county free library. County bonds may be issued in the manner prescribed in Sections 4614 to 4616 of these codes, for the erection and equipment of county free library buildings, and the purchase of land therefor. The board of county commissioners is authorized to receive, on behalf of the county, any gift, bequest, or devise for the county free library, or for any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the tax herein provided. All funds for the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund, called the county free library fund, and shall not be used for any purposes except those of the county free library. Each claim against the county free library fund shall be authorized and approved by the county librarian, or in his absence from the county, by his assistant. It shall then be acted upon in the same manner as are all other claims against the county.

44-207. **Acceptance of property of school libraries.** The board of county commissioners shall have power to accept, on behalf of the county free library, all books and other property of school libraries as provided by Sections 75-3201 to 75-3203, and to manage and maintain the same as a part of the county free library.

44-208. **School libraries as branches of county library.** Whenever the county in which a school district library is situated shall maintain a county free library, the board of school trustees or city board of education may agree with the proper authorities of such county to make the school district library a branch of such county library. In this event this board of school trustees or city board of education shall turn over the books to the county free library, and shall annually transfer

to such county free library its library fund, as soon as it is available, to be kept and expended as other funds of such county library. The said county free library shall thereupon have such district library managed and maintained according to the rules and regulations established by the authorities of the county free library.

44-209. Funds of district library turned over to county library. Whenever a school district library shall have become a branch library, as provided in the preceding section, the county or city superintendent of schools may draw a warrant for the whole amount of the district library fund, payable to the proper authorities of the county free library, upon the filing with him of a copy of the resolution of the board of trustees of the district or the city board of education, embodying the agreement made with such county free library, which copy shall be duly certified as correct by the clerk and recorder of the county, or other proper officer.

44-210. Disestablishment of library. After a county free library has been established, it may, upon petition signed by not less than ten per cent of the qualified voters of a county requesting its disestablishment being filed with the board of county commissioners, be disestablished in the same manner as it was established. At least once a week for four successive weeks prior to taking such action, the board of county commissioners shall publish, in a newspaper designated by them and published in the county, notice of such contemplated action, giving therein the date and place of meeting for a public hearing at which contemplated action is proposed to be taken; provided, that an interval of three months shall elapse between such action and the disestablishment.

44-211. How libraries of city or town may assume functions of county library. Instead of establishing a separate county free library, the board of county commissioners may enter into a contract with the board of library trustees, or other authority in charge of the free public library of any incorporated city or town, and the board of library trustees, or other authority in charge of such free public library, is hereby authorized to make such a contract. Such contract may provide that the free public library of such incorporated city or town shall assume the functions of a county free library within the county with which such contract is made, and the board of county commissioners may agree to pay out of the county free library fund into the library fund of such incorporated city or town such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of intention to do so.

44-212. Joint county or regional libraries—establishment.

Two (2) or more counties, by action of their boards of county commissioners, may join in establishing and maintaining a joint county or regional library under the terms of a contract to which all will agree. The expenses of the joint county or regional library shall be apportioned between or among the counties concerned on such a basis as shall be agreed upon in the contract. The treasurer of one of the counties, as shall be provided in the contract, shall have the custody of the funds of the joint county or regional library; and the treasurers of the other counties concerned shall transfer quarterly to him all moneys collected for the "free library fund" in their respective counties. If the board of county commissioners of any county decides to withdraw from a joint county or regional library contract, the county shall be entitled to a division of property in the same proportions as expenses were shared. Any library district organized under the provisions hereof, may, by majority vote of the qualified voters present and voting at a legal meeting of either of the counties which comprise said district, dissolve its cooperative existence.

44-213. Participation of other governmental units. When a joint county or regional library shall have been established, the legislative body of any government unit therein that is maintaining a library may decide, with the concurrence of the board of trustees of its library, to participate in the joint county or regional library; after which, beginning with the next fiscal year of the county, the governmental unit shall participate in the joint county or regional library and its residents shall be entitled to the benefits of the joint county or regional library, and property within its boundaries shall be subject to taxation for joint county or regional library purposes. A governmental unit participating in the joint county or regional library may retain title to its own property, continue its own board of library trustees, and may levy its own taxes for library purposes; or, by a majority vote of the qualified electors, a governmental unit may transfer, conditionally or otherwise, the ownership and control of its library, with all or any part of its property, to another governmental unit which is providing or will provide free library service in the territory of the former, and the trustees or body making the transfer shall thereafter be relieved of responsibility pertaining to the property transferred.

44-214. Board of trustees—appointment and term. In a joint county or regional library district the board of five trustees shall be appointed by the joint action of all the county commissioners in the district. The first appointments or elections shall be for terms of one (1), two (2), three (3), four (4), and five

(5) years respectively, and thereafter a trustee shall be appointed or elected annually to serve for five (5) years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library fund. A library trustee may be removed only by vote of the legislative body.

44-215. **Appropriations for support of joint libraries.** After a joint county or regional library shall have been established or library service contracted for, the legislative body of the governmental unit for which the library was established or the service engaged, shall appropriate money annually for the support of the library and so far as possible, the taxes levied and collected for this purpose shall be levied and collected within the territory to be served. The board of trustees shall have the exclusive control of expenditures from the fund subject to any examination of accounts required by the state and money shall be paid from the fund only upon vouchers of the board of trustees, without further audit. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and available for library purposes.

44-216. **Tax levy.** The board of county commissioners of each county that has joined in the establishment of a joint county or regional library as provided for in this act shall annually levy a tax equivalent to the tax which may be levied for a county library as provided in section 44-206.

44-217. **Qualifications of librarian.** The librarian of a county or regional library shall have the qualifications required by Montana law for county librarians and shall come under the same minimum salary regulation.

County Library budgets.

16-1904. **Hearings on budget—adoption—fixing tax levies.**

(2) . . . and provided further that the amount appropriated and authorized to be expended for any item contained in such budget, **except for capital outlay,*** election expenses, expenditures from county poor funds, and payment of emergency warrants and interest thereof, must not exceed by more than ten per centum (10%) the amount actually expended for such item under the appropriation contained in the budget approved and adopted for the fiscal year immediately preceding . . .

*(Emphasis ours)

CHAPTER 3

CITY FREE PUBLIC LIBRARIES

44-301. **Establishment of free public library—tax levy for maintenance.** The council has power to establish and maintain a free public library, and in cities and towns having a free public library not established and maintained by such city or town, may contribute to the support and maintenance thereof, and for that purpose may provide by ordinance for a tax as follows: In a city or town having assessed valuation of seven hundred fifty thousand dollars (\$750,000.00) or more, a tax not exceeding three and one-half mills on the dollar on the property may be levied. In a city or town having an assessed valuation of less than seven hundred fifty thousand dollars (\$750,000.00), a tax not exceeding three (3) mills on the dollar on the property may be levied. The tax so levied and collected constitutes a fund known as the "library fund," and must be expended only for the purchase of books and other things necessary for a library, and the support and maintenance thereof.

44-302. **Submission of questions to electors.** Before any such ordinance is passed the council must submit to the qualified electors of the city or town at an election the question. At such election the ballot must have printed or written thereon the words, "Public Library—Yes," "Public Library—No," and in voting the elector must make a cross thus, "X," opposite the answer for which he intends to vote.

44-303. **Library to be established when majority vote favors—election at which question may be submitted.** If the majority of the votes cast at such election is in favor of the establishment of a public library, then such library must be established as above provided. Such question may be submitted at the annual or at any special election held in such city or town, and must be submitted at any such election on the petition of one hundred or more inhabitants of such city or town.

CHAPTER 4

STATE LAW LIBRARY

44-401. **State law library established.** The library heretofore known as a department of the state library of Montana and called "the law library," shall become a separate and distinct library designated the "state law library of the state of Montana." The collections of laws, decisions of courts, law reports, text books, legal periodicals and miscellaneous books and journals together with pamphlets, papers, maps, charts and manuscripts now in the law library in the capital building or belonging to such law library, or hereafter acquired by or donated to the law library, shall constitute the library hereby established, and the title to all of the property constituting the same, now or hereafter, shall be in the state of Montana, subject to the custody and control of the library board established herein.

44-402. **Location—board of trustees.** The state law library of the state of Montana shall be located in the capitol building at Helena, Montana, and shall be in the immediate custody and subject to the control of a board of seven (7) trustees, consisting of the chief justice and the associate justices of the supreme court of the state of Montana, the secretary of state and the state auditor. The members of the board shall serve as such members without compensation and their terms shall be identical with the term of office of the chief justice and of the several associate justices from time to time.

44-403. **Powers and duties of board.** The powers and duties of said board are as follows:

(1) To make rules and regulations, not inconsistent with law, for the government of the board and for the government and administration of the state law library, including rules designating when and for what periods of time the library shall be open to the public, and the office hours of the library.

(2) To appoint a librarian and prescribe the duties of such librarian, when not otherwise provided for by law.

(3) To sell or exchange duplicate copies of books and pay the moneys arising therefrom into the state law library fund.

(4) To see that the books and other properties of the library are maintained in good order and repair, and are protected from theft or injury.

(5) To draw from the state treasury at any time when needed for the legitimate expenses in maintaining and operating the library and acquiring books, reports, journals and other works and properties therefore, including complete sets of statutory laws and codified laws of the United States of America and of the several states of the union, and other jurisdictions, any moneys in the fund and available for such purposes.

(6) To report to the governor, biennially, a statement of all important transactions of the board, and of the operations of the library, with suggestions and recommendations as to what the board deems necessary for the increased utility and efficiency of the library.

(7) To establish such lawful relations and working arrangements with the library of congress of the United States, with the copyright office therein, and with the superintendent of documents of the United States, as may be for the benefit and advantage of the state law library and promote the acquisition of books and other works from such sources as may be useful to those resorting to the facilities of the state law library.

44-404. **Librarian—term of office—bond.** The librarian appointed by the board shall hold office for the term of two (2) years, unless sooner removed by a majority vote of the trustees. The librarian must execute an official bond, in the sum of one thousand dollars (\$1,000.00), to be approved by the chief justice, and deposited with the secretary of state.

44-405. **Duties of librarian—regulations for use of library.** It shall be the duty of the librarian:

(1) to be in attendance at the library during office hours,

(2) to purchase, under the direction of the board of trustees, all compilations of statutory laws, reports of decisions of courts of last resort, or intermediate courts, in the several states of the union, the national reporters' series, and all encyclopedias, digests, text books and miscellaneous books, maps, charts, legal periodicals and a complete collection of all the laws of the territory of Montana, the state of Montana, furniture, fixtures, and supplies,

(3) to number and stamp all books, digests, encyclopedias, printed works, maps, papers and pamphlets belonging to the library, for their ready and accurate identification and to keep a complete catalogue thereof in accordance with catalogue systems approved for law libraries,

(4) to have well and properly bound all books, and also, all pamphlets and papers when directed thereto by the trustees,

(5) to keep a register of all books and property belonging to the library, the additions made each year, and the cost thereof,

(6) to keep a register of all books or other property taken from the library under the authority of the trustees,

(7) to establish and maintain a system of domestic and foreign exchange of books, maps, or other publications which are properly the subject of collections for a state law library, and to obtain from the secretary of state and other state departments, boards, bureaus, commissions and agencies upon request, such numbers of all state publications as may be needed to supply the demands of the system established.

(8) The state law library shall be maintained and operated for the use of the members of the supreme court, the members of the legislative assembly while in session as such and the several officers of the senate and of the house of representatives, for state officers and employees, for members of the bar of supreme courts of other states while in attendance before the supreme court of Montana, and members of the general public agreeing to the rules and regulations established by the board of trustees and enforced by the librarian. All persons, during library hours, are permitted to examine the library and its contents and to work within the library quarters. During sessions of the legislative assembly, the members thereof may take books from the library, and state officials may do so at any time. Law books may be taken from the library to a court room by any attorney-at-law, and must be returned to the library before five (5) o'clock P. M. of the same day. No book or other work that cannot be readily replaced in case of loss shall be removed from the state law library except by state officials, and by them only in pursuit of their official duties and subject to recall by the librarian on arrangements made by the borrower with the librarian.

Books taken by members of the legislative assembly must be returned at the close of the session; and before the state auditor draws his warrant in favor of any member of the legislative assembly for his last week's salary, he must be satisfied that such member has returned all books taken by him and paid for any injuries thereto.

The state auditor, if notified by the librarian that any officer has failed to return books taken by him within the time prescribed by the rules, and after demand made, must not draw his warrant for the salary of such officer until the return is made, or three (3) times the value of the books, or of any injuries thereto, has been paid to the librarian.

44-406. **Injury to books or failure to return—liability.** Every person who defaces, tears, or otherwise injures any book or other work, or who fails to return any book taken by him, is liable to the state in three (3) times the value thereof if such book is not replaced by a new one, or another book of identical title, in good order and condition, and no statute of limitations shall ever be effective against the claim of the state under this section.

44-407. **State law library fund.** There is hereby established the "state law library fund" which shall be under the control of the board of trustees and shall consist of:

(1) any appropriations made for the state law library by the legislative assembly, including all unexpended balances at the date of approval of this act,

(2) all of the fees authorized by law to be collected and paid into the state treasury by the clerk of the supreme court, as required by section 82-503, and

(3) all of the unexpended moneys in the attorneys' license tax fund on the 31st day of March, of each year, which are required by section 93-2025, to be transferred by the state treasurer from such attorneys' license tax fund to the state law library fund, and the moneys so transferred to the state law library fund shall be and remain available for the purposes stated in said section 93-2025, and be expended in the manner therein provided. If any part of said fund except legislative appropriations be unexpended in any year, said balance shall not revert to the general fund at the end of the fiscal year, but the same shall be reserved and set apart as a surplus fund for the purchase of books for the state law library, and the board of trustees of the library is hereby empowered and authorized to draw from the state treasury at any time when needed for purchase of additional books any moneys belonging to said surplus fund.

44-408. **Assistant librarian.** The librarian of the state law library is hereby authorized and empowered to employ an assistant who shall, in addition to the duties imposed by the provisions of this act, serve and act as a law clerk for the justices of the supreme court and shall perform any and all other duties prescribed by the supreme court.

44-409. **Salary of librarian and assistant librarian.** The salary of the librarian of the state law library and of the assistant librarian, shall be fixed in such amount as the board of trustees shall deem reasonable.

44-410. **Accounts—approval.** All accounts for the proofing and printing of books, legal periodicals, library collections, furniture, fixtures and supplies must be prepared by the librarian, submitted to and approved by at least one (1) member of the board of trustees and thereafter submitted to and approved by the state board of examiners and paid out of the state treasury from the library fund.

44-411. **Index to session laws.** It shall be the duty of the state law librarian to prepare a suitable index of all the laws and resolutions passed or adopted at each session of the legislative assembly of Montana. Such index shall be a thorough index of such laws and resolutions, and of each subject contained in such volume; and for the purpose of procuring and preserving uniformity in such indexes, the index of each succeeding volume of the session laws shall conform, as near as practicable, with those of the volumes preceding it, prepared by said librarian. The librarian shall also prepare for each volume of such laws an additional index, showing what sections of the several codes of this state, and what session laws have been amended, repealed, altered, or changed by any laws published in that volume, which shall be known and designated as the "code index," and to deliver the said indexes to the secretary of state as soon as completed and all indexes prepared by the librarian for the succeeding volumes of session laws shall be published therein.

44-412. **Assistance in preparing index.** The law librarian is authorized and empowered to engage and employ stenographic assistance in the preparation of such indexes and said assistant shall be paid out of the library fund.

CHAPTER 5

HISTORICAL SOCIETY-LIBRARY AND MUSEUM

44-502. **Historical and miscellaneous library placed under jurisdiction of historical society.** The historical and miscellaneous library, heretofore one of two separate departments of the state library of Montana, shall be, and the same is hereby established as an independent and autonomous library in the historical society of the state of Montana, a department of the state, and in the custody and under the control of the board of trustees of the society. The books, pamphlets, papers, maps, charts, manuscripts, writings, paintings, engravings, military relics, collections of fossils, minerals, furniture, fixtures and supplies heretofore in the historical and miscellaneous library of the state library of Montana, shall be under the jurisdiction of the historical society of the state of Montana and shall be administered in accordance with the provisions of this act, independent of any other library owned, maintained or operated by the state of Montana.

44-506. **Librarian—appointment — term — assistants.** The librarian appointed by the board shall be appointed solely with reference to fitness for the duties of librarian, curator and museum manager, and the term of the librarian shall be five (5) years unless sooner removed by a majority vote of the trustees. The assistant librarians and all persons employed in carrying out the functions and activities of the society in the library and museum shall be appointed solely with reference to their fitness for their particular duties.

44-507. **Duties of librarian and assistant librarians.** It is the duty of the librarian and of the assistant librarians:

1. To be in attendance in the quarters of the library and museum from 9:00 o'clock A. M. to 5:00 o'clock P. M. during each day of the year except Sundays — and holidays designated as legal holidays.

2. To purchase, under the direction of the trustees, all books, maps, engravings, charts, relics and museum exhibits, paintings, furniture and supplies for the library and the museum.

3. To number and stamp all books, maps, papers and pamphlets belonging to the library and to keep a catalogue thereof in accordance with modern systematic cataloging in historical libraries.

4. To have bound all books, pamphlets and papers when directed thereto by the trustees.

5. To keep a register of all books and all other property belonging to or in the library and museum, the additions made each year and the cost thereof.

6. To keep a register of all books or other properties taken from the library or museum under express authority of the trustees.

7. To establish and maintain a system of domestic and foreign exchange of books, maps or other publications and to obtain from the secretary of state such numbers of all state publications as may be needed to supply the demands of the exchange system established.

8. To accept and receive, in the name of the society, any and all gifts, donations, bequests and legacies that may be made to the society; and in this connection, upon receipt of moneys by donation, gift, bequests or legacies, to deposit the same forthwith in the state treasury to the credit of the historical society fund. The librarian is authorized to refuse to accept any gifts or movable articles which are not fit for acquisition.

The assistant librarians shall perform such duties as may be prescribed by the librarian under the direction of the trustees and shall serve in any department of the society.

44-508. **Bond of librarian and assistant librarians.** The librarian and the assistant librarian each execute an official bond, in the penal sum of five thousand dollars (\$5,000) as respects the librarian and in the penal sum of one thousand dollars (\$1,000.00) as respects the assistant librarians, conditioned as the board of trustees may order, which bonds shall be approved by the governor and deposited with the secretary of state.

44-509. **Salary of librarian and assistant librarians.** The annual salary of the librarian and of each assistant librarian shall be fixed by the board of trustees and shall be payable, in monthly installments, out of the historical society fund in the state treasury.

SCHOOL LIBRARIES

75-1316. **Libraries.** He (the Superintendent of Public Instruction) shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for school libraries; such list shall contain also the lowest price at which such publications can be purchased and the terms. He shall also prescribe rules and instructions for the proper care and use of school libraries, and such other information relative thereto as he shall think needful.

75-1514. **School libraries.** He (the County Superintendent of Schools) shall exercise supervision over the school libraries of the county, and aid in the selection of books for the same.

75-2801. **Discipline** . . . any pupil who shall, in any way, cut, deface, or otherwise injure any . . . books belonging to the (school) district library, shall be liable to supervision and punishment.

75-3201. **Location and control of libraries.** The library shall be under the control of the board of trustees, and must be kept, when practicable, in the schoolhouse, and shall be for the use of the pupils and all residents of the district.

75-3202. **Rules-reports.** The trustees shall be held accountable for the proper care and preservation of the library, and shall make all needful rules and regulations not provided for by the superintendent of public instruction, and not inconsistent therewith; and they shall report annually to the county superintendent all library statistics which may be required by the blanks furnished for the purpose by the superintendent of public instruction.

75-3203. **Selection of books.** All books shall be selected by the county superintendent and school trustees, acting together, from lists approved by the superintendent of public instruction. It shall be the duty of such county superintendent in his visits to inspect the library, and to make such suggestions regarding its use and care as he may deem advisable. It shall be the duty of the superintendent of public instruction to formulate the rules and regulations for the school libraries, and furnish to the county superintendent, from time to time, such instruction and information as will make the use of the library most effective.

75-2011. **Creation of library of visual teaching aids.**

There is hereby created a library of visual teaching aids for the purpose of acquiring through purchase, donation, lease, loan, gift, or manufacture, a depository consisting of instructional sound films, slides, charts, graphs, models, pictures, dioramas and other visual teaching aids which may be approved by the state superintendent of public instruction. These materials will be made available on a rental fee basis, plus transportation, to and from the elementary and secondary schools and educational groups within the state.

MISCELLANEOUS

LAWS RELATING TO PUBLIC LIBRARIES

11-704. **Trustees of Public Libraries—Funds.** The trustees of any public library created or existing in a city or town must be appointed by the mayor, with the advice and consent of the council. The number of such trustees and their duties must be prescribed by ordinance; provided, however that the "library fund" provided for in section 5049 of this code shall be invested by the city treasurer under the direction of the trustees of the library; and no money shall be paid out of said fund by him except on any order or warrant from said trustees, who shall have exclusive power to make contracts and expenditures for the support and maintenance of the library, and the purchase of books and other things for a library.

11-1006. **Public bodies' and institutions' authority to receive property or gifts . . .** and all public libraries . . . are hereby granted the power and authority to accept, receive, take, hold and possess any gift, donation, grant, devise or bequest of property, real or personal and the right to own, hold, work and improve the same.

15-104. **Purposes for which private corporations may be formed.** The purposes for which . . . private corporations . . . may be formed are:

3 . . . the maintenance of a library . . .

84-202. **Exemptions from taxation.** The property of the United States, the state, counties, cities, towns, school districts, municipal corporations, public libraries, such other property as is used exclusively for agricultural and horticultural societies, for educational purposes, places of actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity, evidence of debt secured by mortgages of record upon real or personal property in the state of Montana, and public art galleries and public observatories not used or held for private or corporate profit, are exempt from taxation, but not more land than is necessary for such purpose is exempt; provided, that the terms public art galleries and public observatories used in this act shall mean only such art galleries and observatories

whether of public or private ownership, as are open to the public, without charge or fee at all reasonable hours, and are used for the purpose of education only, and also when a clubhouse or building erected by or belonging to any society or organization of honorably discharged United States soldiers, sailors or marines who served in army or navy of United States, is used exclusively for educational, fraternal, benevolent or purely public charitable purposes, rather than for gain or profit, together with the library and furniture necessarily used in any such building . . .

93-5814. **Specific exemptions.** In addition . . . there shall be exempt . . .

10. All courthouses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the courthouse, jail, and public offices belonging to any county of this state, and all cemeteries, public squares, parks, and places, public buildings, town halls, public markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such city or town to health, ornament, or public use, or for the use of any fire or military company organized under the laws of the state.

